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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEXANDR LINEVICH,

Plaintiff,

MEMORANDUM AND ORDER

-against-

10-CV-5921 (SLT)

U.S. CUSTOMS AND BORDER PROTECTION,

Defendant.
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TOWNES, United States District Judge:

On December 13, 2010, plaintiff Alexandr Linevich, appearing *pro se*, commenced this action seeking “[r]eimbursement for lost luggage under control of the US Customs in the amount of \$1,361.62.” Compl. at 1, ¶ IV. By order dated January 5, 2011, the Court directed plaintiff to show cause why this action should not be dismissed without prejudice for lack of subject matter jurisdiction. On January 24, 2011, plaintiff moved to withdraw the action.

Plaintiff’s motion to withdraw is construed as a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i) of this Federal Rules of Civil Procedure and, accordingly, this action is dismissed without prejudice. As this Court explained in its Order to Show Cause dated January 5, 2011, plaintiff can file a new action within six months after he has exhausted his remedies under the FTCA, provided that his claim is not excluded from the FTCA’s waiver of sovereign immunity by operation of 28 U.S.C. § 2680(c).

The Clerk of Court is directed to close this case.

SO ORDERED.

s/ SLT
SANDRA L. TOWNES
United States District Judge

Dated: January 28, 2011
Brooklyn, New York